

**HAMILTON COUNTY
ENVIRONMENTAL
SERVICES**

October 17, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Ed Horgan
Campus Management
1037 East McMillan Street
Cincinnati, OH 45206

RE: WARNING LETTER FOR VIOLATION OF FUGITIVE DUST RULE
OAC 3745-17-08(B)

Dear Mr. Horgan:

The Hamilton County Department of Environmental Services (HCDOES) has received complaints regarding dust from the renovation of buildings at The Verona complex at 2356 Park Avenue. An agency compliance specialist visited the site on three occasions following citizens' complaints on July 23, August 11 and October 17, 2008. I met with Jason Mehaffie on July 23 and October 17. He agreed to obtain and employ some type of dust control at the site. No dust control measures were in place during any of the site visits.

Ohio Administrative Code (OAC) § 3745-17-08(B) requires the use of reasonably available dust control measures to minimize fugitive dust. A violation of the fugitive dust rules found in OAC § 3745-17-08(B) was identified during the site visit on October 17. Material was being thrown out of windows on the fourth floor. No water or chutes were being used.

HCDOES finds that you are in violation of OAC § 3745-17-08(B), *Restriction of Emissions of Fugitive Dust*. **HCDOES requests that you submit a compliance plan, with details of a control strategy to minimize dust emissions from current and future sites. An acceptable plan will include specifics of the dust control strategy and a timeline for implementation. This plan should be received not later than seven days following receipt of this correspondence.**

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Mr. Ed Horgan
Campus Management

The violations identified above also constitute a violation of Title X, City of Cincinnati Municipal Code and the City of Cincinnati Health Department rules. Title X is enforced by the City Solicitor's Office and the City of Cincinnati Health Department rules are enforced by Hamilton County Environmental Services. The City Solicitor's Office has requested that this agency notify them of all Title X violations identified by this agency. Consequently, a copy of this Notice of Violation has been sent to the City Solicitor's Office. The City Solicitor's Office has requested that a copy of all compliance plans be forwarded to their office. Therefore, please send a copy of the compliance plan to the City Solicitor's Office, attn: Larry Falkin, Director Office of Environmental Quality, 805 Central Avenue, Centennial Two Plaza, Suite 320, Cincinnati, Ohio, 45202.

Be advised that failure to comply with the requirements of this letter may result in additional enforcement action, including possible referral of this case to the Office of the Ohio Attorney General. Acceptance by the Ohio EPA of a compliance plan does not constitute a waiver of the EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code. The determination to pursue or to decline to pursue such penalties in this case will be made by the Ohio EPA at a later date.

If you have any questions regarding this letter, please do not hesitate to contact me at 946-7711.

Sincerely,



Michael Fair
Environmental Compliance Specialist

cc: Kerri Castlen, Enforcement Supervisor, DOES
Larry Falkin, Director OEQ
Mohammed Alam, Cincinnati Health Department